

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:14-cr-122

Also 3:19-cv-232

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

KENNETH CLEGG, JR.,

Defendant.

:

ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 81), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Supplemental Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's § 2255 motion be dismissed with prejudice. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed in forma pauperis.

DONE and **ORDERED** in Dayton, Ohio, this 13th day of November, 2019.

*s/Thomas M. Rose

Thomas M. Rose
United States District Judge